

Remarks

Claims 1, 10 and 11 are amended and claims 12 and 13 are added. Claims 1 to 13 are pending in this application of which claims 1, 10, 11 and 12 are in independent form.

Claim 11 was objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. Accordingly, claim 11 is amended herein to include an additional feature and limitation so that it now no longer is a duplicate of claim 1.

Claims 1 to 7 and 9 to 11 were rejected under 35 USC 102(b) as being anticipated by Meltser et al. The following will show that claim 1, as amended, patentably distinguishes the invention over this reference.

Meltser et al discloses a fuel cell system containing a fuel preparation unit and a fuel cell unit. Two operating parameters of the fuel cell system are supervised by an evaluation unit. This evaluation unit calculates the change of the hydrogen concentration per unit of time (step 58) and the change of voltage per unit of time (block 86). However, this evaluation unit does not generate any known change of a second operating parameter as a function of time. Also, Meltser et al does not disclose the use of impedance spectroscopy for the evaluation of a time-dependent change of a parameter as set forth in applicant's claim 1. Applicant's claim 1 now includes the feature and limitation of:

"an evaluation unit incorporating said measuring unit and being configured to evaluate a time-dependent change of said first operating parameter in dependence upon the time-dependent change of said second operating parameter by the use of impedance spectroscopy." (emphasis added)

Nowhere is there any suggestion in Meltser et al which would enable our person of ordinary skill to arrive at the above feature and limitation.

In view of the above, applicants submit that claim 1 patentably distinguishes the invention over Meltser et al and should now be allowable. Claims 10 and 11 parallel claim 1 in the context of a motor vehicle and generator system, respectively, and have been similarly amended. Accordingly, claims 10 and 11 should now likewise be allowable as should claims 2 to 9 which are dependent from claim 1.

Claim 12 has been added to provide another independent definition of the invention and incorporates the feature and limitation of:

"a generator for generating a known  
time-dependent change of said second  
operating parameter;"

This feature and limitation should place claim 12 even farther remote from Meltser et al so that this claim and claim 13, which is dependent therefrom, should now likewise be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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